

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**MANAGEMENT PLAN FOR COURT REPORTERS
AND RECORDING SERVICES**

TABLE OF CONTENTS

1.	<u>Adoption of Plan.</u>	<u>1</u>
2.	<u>Applicability of Plan.</u>	<u>1</u>
3.	<u>Supervision of Official Staff Reporters.</u>	<u>1</u>
4.	<u>Employment of Reporters.</u>	<u>3</u>
5.	<u>Attendance.</u>	<u>3</u>
6.	<u>Leave Policies.</u>	<u>3</u>
7.	<u>Freelance Reporting.</u>	<u>4</u>
8.	<u>Contract Court Reporters.</u>	<u>4</u>
9.	<u>Transcripts.</u>	<u>4</u>
10.	<u>Certification of Court Reporter Notes and Electronic Recordings.</u>	<u>6</u>
11.	<u>Digital Audio Recording Systems.</u>	<u>7</u>
12.	<u>Reports Required by the Administrative Office.</u>	<u>7</u>
13.	<u>Substitute Court Reporters.</u>	<u>7</u>
14.	<u>Transcript Backlogs.</u>	<u>8</u>
15.	<u>Effective Date.</u>	<u>8</u>

APPENDICES

A.	<u>Transcript Fee Rates</u>	9
B.	<u>Revision Control Report</u>	10

**UNITED STATES DISTRICT COURT
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**MANAGEMENT PLAN FOR COURT REPORTERS
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1. Adoption of Plan. This court adopts the following Management Plan for Court Reporters and Recording Services, subject to the approval of the reviewing panel for the Eighth Circuit Court of Appeals, and subject to rules and regulations that the Judicial Conference of the United States may adopt. When approved, this plan will supersede the court reporting and recording services plan now in effect in the District of Nebraska.
2. Applicability of Plan. This plan applies to all court reporters employed by this court.
3. Supervision of Court Reporters. The court, en banc, delegates the following supervisory responsibilities to the Clerk of the District Court (clerk) or his or her designee:
 - (a) Hiring and terminating court reporters, subject to the approval of the court en banc.
 - (b) Approving or denying leave for individual staff court reporters (staff reporters), including annual leave, sick leave, and excused absences, subject to the requirements of the Administrative Office of the United State Courts (AO), the Judicial Conference of the United States (Judicial Conference), and local policies.
 - (c) Designating work for court reporters, with the goal of distributing the court's overall workload fairly and efficiently, minimizing travel, and assuring the lowest overall cost to the court. The clerk will consider the court's objective of having one court reporter assigned primarily to the work of each active district judge, and will consult with the staff reporter's primary active district judge before designating the staff reporter to work for another judge.

- (d) Designating court reporters' place of work, with the objective of ensuring that all court reporters are available to meet the needs of the court.
- (e) Monitoring the relationship between the court reporter and parties, attorneys, court staff, and fellow court reporters.
- (f) Monitoring all requests for transcripts.
- (g) Reviewing transcripts to assure full compliance with the format requirements of the AO and the Judicial Conference.
- (h) Reviewing transcript billings to assure that authorized transcript rates are charged and that billing is in proper form. (See Appendix A for rates.)
- (i) Determining court reporters' compliance with the provisions of 28 U.S.C. § 753(b) concerning the recording, certifying, and filing of electronic recordings of all criminal arraignments, pleas, and proceedings made in connection with the imposition of sentences.
- (j) Reviewing staff reporters' time records to assure proper maintenance and accuracy.
- (k) Reviewing the records of staff reporters to assure the timely filing of all reports required by the AO and the Judicial Conference.
- (l) Acting as a liaison to the courts of appeals on matters pertinent to court reporters and transcript production.
- (m) Performing other duties as the court directs, such as compiling and maintaining records relating to court reporters' leave, insurance, and other administrative benefits.
- (n) Disciplining or sanctioning court reporters pursuant to the provisions of this plan or the court's policies and guides as maintained on the court's Web page at <http://www.ned.circ8.dcn/hr/> > "HR Manual."

4. Employment of Reporters. The District of Nebraska is authorized one staff court reporter or electronic court recorder operator staffing credit per active district judge.

- (a) Staff reporters serve the court en banc and not a particular judge. The work of all court reporters must be “note-readable” so that any court reporter can read the notes, if necessary.
- (b) Staff reporters are appointed according to the provisions of 28 U.S.C. § 753(a) and the policies and procedures of the AO and the Judicial Conference. Only court reporters fully qualified under the terms of 28 U.S.C. § 753(a) will be appointed. The court prefers applicants certified as realtime court reporters.
- (c) Newly appointed staff reporters are placed on probation for a period of 90 days.
- (d) Staff reporters have no vested right of employment. The clerk may terminate a staff reporter’s employment with or without cause, with the approval of the court en banc. If the overall work volume of the court does not justify retention of the full complement of staff reporters, the court will reduce the number of staff reporters through relocation, attrition, or by giving reasonable notice of termination.

5. Attendance. All staff reporters serve under the Leave Act, 5 U.S.C. § 6301 *et seq.*, and earn annual and sick leave pursuant to the Act. The staff reporters’ regular tour of duty is from 8:00 a.m. to 4:30 p.m., but each staff reporter will be available outside regular tour of duty hours if the clerk directs.

6. Leave Policies. The clerk maintains leave records for staff reporters.

- (a) Staff reporters submit all requests for leave through the Electronic Leave Management Resource (ELMR) for the clerk’s approval.

- (b) Staff reporters are subject to the same leave policies as other clerk's office employees. See <http://www.ned.circ8.dcn/hr/> > "HR Manual" > "Leave Policies."
- (c) Planned sick leave (i.e., for appointments, medical treatments, etc.) must be requested far enough in advance to permit the scheduling of an alternate reporter, if necessary. The court may contract for reporting services when a court reporter is on sick leave and no staff reporters are available to cover the absence.
- (d) To avoid the need to hire contract reporters, staff reporters should attempt to either coordinate their leave so that other staff reporters can cover the leave, or take leave when no proceedings are scheduled.

7. Freelance Reporting.

- (a) Staff reporters are not permitted to perform any private (freelance) work of any kind during their regular tours of duty, including depositions and reporting for grand juries. Staff reporters may perform freelance work while on approved annual leave.
- (b) Staff reporters are permitted to place their names in the clerk's pool of contract transcribers available to transcribe digitally recorded hearings. Work on pool transcripts may not interfere with a staff reporter's performance of his or her official duties.

8. Contract Court Reporters. Contract reporters may be used only when no staff reporters are available to cover a hearing or trial. The contract offered to a contract reporter reflects the relevant terms and conditions of this plan. The court prefers contract court reporters with realtime certification.

9. Transcripts. The preparation, billing, and delivery of transcripts is governed by the terms of the transcriber contract found on the court's Web page at

<http://www.ned.uscourts.gov/plans-and-policies/transcriber-contract-documents>. That contract is made part of this section of the plan by reference. The following additional requirements apply to transcripts prepared by staff reporters.

- (a) Daily Copy Requests. A court reporter will notify the clerk immediately when the reporter receives a request for daily copy. Daily or hourly copy falls within the definition of entrepreneurial activities, and no additional staff reporter will be assigned to the task. The court reporter accepting the order for daily copy will be responsible for employing any necessary assistance.
- (b) Invoicing of Transcripts. A court reporter must prepare a final invoice (AO Form 44 or CJA Form 24) for all transcript deliveries showing the exact charges and any refund or additional billing adjustments. Fee adjustments are made at the time of transcript delivery. All invoices for transcripts, whether originals or copies, will be sequentially numbered.
- (c) Sanctions for Late Transcripts. This court and the court of appeals may each sanction a court reporter who habitually files late transcripts.
- (d) No Charge for Transcripts Requested by Judges. Staff reporters are required to produce transcripts requested by a presiding district or magistrate judge without cost to the court.
- (e) CJA Transcripts.
 - (i) All transcripts produced for criminal defendants represented under the terms of the Criminal Justice Act must be billed on CJA Form 24. See <http://ne.fd.org/cjaforms.htm> > "CJA Form 24." Court reporters are responsible for assisting the ordering party to properly prepare the CJA Form 24. Judicial Conference policy prohibits a routine apportionment among the parties of accelerated transcript costs in CJA cases.

- (ii) In multi-defendant cases involving CJA defendants, no more than one transcript should be purchased from the reporter on behalf of the CJA defendants. One of the appointed counsel, the clerk, or the court reporter will arrange for duplication of the transcript, at a commercially competitive rate, for each CJA defendant for whom a transcript was approved. The cost of duplication will be charged to the CJA appropriation.

(f) Time Limits for Delivery of Transcripts.

- (i) Court reporters will deliver to the requesting party all transcripts of official proceedings prepared for an appeal and will upload them to CM/ECF within the time limits prescribed by the court of appeals. Only the clerk of the court of appeals may extend the due date for an appeal transcript.
- (ii) Transcript delivery dates are computed from:
 - (A) The date on which satisfactory financial arrangements are made, except for transcripts to be paid for by the United States or free copies ordered by the court; or
 - (B) The date on which the court reporter receives the appropriate request for transcript or CJA 24 form when the transcript is to be paid for by the United States.

10. Certification of Court Reporter Notes and Electronic Recordings. Pursuant to 28 U.S.C. § 753(b), a court reporter must transcribe and certify all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless the court reporter records the proceedings by electronic sound recording, certifies the accuracy of the recordings, and then maintains them in the clerk's office.

- (a) Court reporters must file a transcript of all such criminal proceedings within 30 days of their occurrence unless they made an electronic recording of the proceedings.
- (b) Staff reporters will maintain their notes and electronic recordings electronically, as directed by the clerk.

11. Digital Audio Recording Systems. The clerk's office stores all digital audio recordings of proceedings on a network server. Network access to digital recordings is limited to authorized court personnel. When someone requests a transcript of a digitally recorded proceeding, the clerk's office will arrange to have the proceeding transcribed according to the terms of the transcriber contract. See section (9) above. Staff reporters assigned to transcribe a digitally recorded proceeding will access the hearing directly from the court's network.

12. Required Records and Reports.

- (a) Each staff reporter is responsible for maintaining the records and for timely submitting the reports that the Judicial Conference requires. These records and reports must be in the format that the AO prescribes.
- (b) Court reporter records and reports will be maintained until the clerk's office disposes of them according to statutory requirements and Judicial Conference policy.

13. Substitute Court Reporters.

- (a) If a staff reporter has overdue transcripts, the clerk may require the staff reporter to hire substitute court reporters until the overdue transcripts have been prepared. The staff reporter will be responsible for the transcript production of any substitute court reporter hired.
- (b) A staff reporter may not use a substitute court reporter without the clerk's prior approval.

14. Transcript Backlogs. The clerk may reduce or eliminate transcript backlogs or production delays by taking any of the following steps, if necessary:

- (a) Using substitute or additional contract reporters or transcribers;
- (b) Reassigning or rotating staff reporters;
- (c) Requiring a staff reporter to hire a substitute court reporter at his or her own expense to cover courtroom duties if a backlog in transcript production is due to the staff reporter's lack of diligence; and
- (d) Instituting progressive discipline, including termination, with the approval of the court en banc.

15. Effective Date. This plan is an amendment to the Management Plan for Court Reporting and Recording Services, as approved by the Judicial Council of the Eighth Circuit on February 2, 2010, and will become effective upon its approval by the review panel of the Judicial Council of the Eighth Circuit.

DATED this 10th day of October, 2012.

BY THE COURT:

Laurie Smith Camp, Chief Judge
United States District Court

APPENDIX A

TRANSCRIPT FEE RATES

	Original	First Copy to Each Party	Each Additional Copy to Same Party
<u>ORDINARY RATE</u> A transcript to be delivered within 30 calendar days after receipt of a request.	\$3.65	\$.90	\$.60
<u>14-DAY RATE</u> A transcript to be delivered within 14 calendar days after receipt of a request.	\$4.25	\$.90	\$.60
<u>EXPEDITED RATE</u> A transcript to be delivered within 7 calendar days after receipt of a request.	\$4.85	\$.90	\$.60
<u>DAILY RATE</u> A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning, whether or not actually a court day.	\$6.05	\$1.20	\$.90
<u>HOURLY RATE</u> A transcript of proceedings ordered under unusual circumstances to be delivered within 2 hours.	\$7.25	\$1.20	\$.90
<u>REALTIME RATE</u> ¹ A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime, to be delivered electronically during proceedings or immediately following adjournment.	One feed, ² \$3.05 per page; two-to-four feeds, \$2.10 per page; five or more feeds, \$1.50 per page.	- - -	- - -

These rates apply to each page of transcript, excluding any separate certification page. The reporter or transcriber prepares an original and a copy whenever a transcript is ordered. The reporter

¹When requesting a realtime transcript, \$3.05 is added to the ordinary, 14-day expedited, daily, or hourly rate.

²A realtime “feed” is the electronic data flow from the court reporter’s computer to the computer of each person or party ordering and receiving the realtime transcription in the courtroom.

or transcriber delivers a copy of the transcript to the clerk for the records of the court at no charge to the party or court.

NOTE: For multi-defendant criminal cases involving CJA defendants, please refer to Section 12 of this plan.

APPENDIX B

REVISION CONTROL REPORT

Item Revised	Date Revised	Reason for Revision	Eighth Circuit Approval
Entire Document	December 2009	Plan entirely revised and updated.	February 2, 2010
Appendix B	11/30/2011	September 2011 session, the Judicial Conference amended the maximum realtime transcript rate policy to eliminate the requirement that a litigant who orders realtime services must purchase a certified transcript (original or copy) of the same pages. (sec)	
Section 9	10/09/2012	Corrected transcriber contract link in section 9. Removed 7(b)(I) regarding sealed TRs, and removed the "(ii)" and moved sentence up into (b). (sec)	
Section 15	10/10/2012	Revised plan approved by Chief Judge Smith Camp on October 10, 2012.	
		Amended plan approved by the Eighth Circuit Judicial Council.	October 16, 2012